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LETTER DATED 15 JANUARY 1998 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of the report submitted to me by the fact-finding mission to the Libyan Arab Jamahiriya.

I should be grateful if you would bring this report to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

[Original: English]

Report of the fact-finding mission to the Libyan Arab Jamahiriya to the Secretary-General

Introduction

1. The fact-finding mission that you asked me to lead to the Libyan Arab Jamahiriya visited the country from 13 to 18 December 1997. I was accompanied by Mr. Tayé-Brook Zerihoun, Principal Officer, Department of Political Affairs, and Mr. Winston Tubman, Principal Legal Officer.

2. The task given to the mission was to meet with Libyan officials and to hear and record information they provided concerning the implementation of Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 and the humanitarian and economic conditions in the country; to meet with representatives of the United Nations system resident in the country to be briefed about their activities and programmes; and to submit a succinct and factual report to you on the basis of those discussions and briefings.

3. The mission met with senior officials of the Government, including the Ministers of Foreign Affairs and Cooperation; Health; Agriculture; Planning, Economy and Trade; and Animal Wealth; the Vice-Minister of Transportation; the Governor of the Central Bank of Libya; and the Director of the National Authority for Information and Documentation. It also met with the Chairman of the Foreign Relations Committee at the General People's Congress. The mission visited the Tripoli International Airport, a children's hospital and a kidney treatment and transplant centre, an agricultural air company and the Al-Haira Valley project for livestock and poultry in Azizia, some 70 kilometres south of Tripoli. The mission also met with the representatives of the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) in the Libyan Arab Jamahiriya. The list of the officials with whom the mission met and the programme of its activities is attached.

The sanctions regime

4. The Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a regime of sanctions on the Libyan Arab Jamahiriya in resolutions 748 (1992) and 883 (1993). The sanctions imposed in resolution 748 (1992) related to various aspects of air embargo, supply of arms and military weapons, reduction and restriction of the activities of diplomatic and consular missions and restrictions of known or suspected terrorist nationals of the Libyan Arab Jamahiriya. Those measures were significantly expanded by resolution 883 (1993) to include a freeze on some Libyan assets abroad, the tightening of the air embargo and the banning of certain types of equipment used at oil transportation terminals and refineries.

5. In their meetings with the mission, the Libyan officials elaborated in some detail upon the adverse impact that the air embargo was having on the economy, particularly on the health, social and agricultural sectors. The freeze on assets was mentioned by the Governor of the Central Bank, not so much in connection with its impact on the humanitarian situation, but on the overall economy. However, no mention was made of the arms embargo and the reduction and restriction of Libyan diplomatic and consular missions abroad. Similarly, the effect of the sanctions on the oil sector was raised only once by the Libyan officials, and in general terms, during the mission's introductory meeting with senior officials of the Ministry of Foreign Affairs and Cooperation.

The economic and social situation: a brief overview

6. According to the Government of the Libyan Arab Jamahiriya, the economic situation of the country has deteriorated during the last five years of sanctions. The gross domestic product has declined and so has foreign direct investment. The unemployment rate has increased from less than 1 per cent in 1992 to 12 per cent in 1996, and the inflation rate has also increased sharply. In the local market, the price of most goods and services has risen by more than 200 per cent.

7. The sectors that have been most affected include health and social services, agriculture and transportation. In response to queries from the mission regarding vulnerable groups, the Libyan officials mentioned women and children and also said that the level of poverty in the country had increased overall. When asked by the mission why the mechanisms established by the Sanctions Committee to address the unintended consequences of the sanctions had not worked, the response often given by the Libyan officials was that removal of the "unjust" sanctions was the only way to resolve the difficulties facing the Libyan economy, particularly the humanitarian situation.

The effect of the air embargo

8. According to the Libyan officials, the air embargo had and continues to have a pervasive, adverse impact on the social well-being of the people and the economy of the country. In large measure, they attributed the problems experienced in the health and social sectors directly to the air embargo.

9. Although the air embargo does not apply to domestic air travel, the restrictions on the purchase of aircraft, spare parts, navigational and landing equipment, and on training and certification of pilots and other crew have reduced the number of airworthy aircraft and curtailed domestic air travel. In addition to the restrictions this has placed on the ability of Libyans to respond to humanitarian emergencies, it has also limited the mobility of expatriate and foreign nationals, a view shared by the United Nations and diplomatic community in the country.

10. The mission was told that the most adverse impact of the air embargo was on the health sector. It has restricted and complicated emergency medical evacuation both within and outside the country, and some patients have died while waiting for permission to be granted. The fact that the Sanctions Committee did not meet during weekends was also mentioned as one of the reasons

for the delay in approving requests for exemptions. The difficulty of importing spare parts has reduced to one the air ambulance fleet of four authorized by the Sanctions Committee. It has also led to inordinate delays in the arrival of urgently needed vaccines, serums and drugs. Moreover, it has made it difficult for Libyan medical professionals to travel abroad and has discouraged foreign medical professionals from travelling to the Libyan Arab Jamahiriya for training and consultation purposes and has become an impediment to regional and international programmes and campaigns for basic health care, including those initiated by WHO. These points were underscored to the mission during visits to a children's hospital and a kidney treatment and transplant centre by the medical staff, including expatriate professionals.

11. Again, the mission underlined that the Sanctions Committee had authorized exemptions to respond to humanitarian emergencies and that the Committee's reports indicated that the Government of the Libyan Arab Jamahiriya had not availed itself of them. The mission noted that it had learned that the Government had not yet responded to a proposal submitted to it by WHO in 1996 for the importation of vaccines, medicines and serums in two consignments - perishable and urgently needed medication by air and the rest by sea. The Libyan officials remarked that they were not satisfied that the arrangement ensured that the medicines would arrive on time and that the proposed aircraft was too small for transporting the medicines. According to the WHO representative, the Government also felt that the price quoted for the consignment was not competitive.

12. Because of the air embargo, road transportation has increased in volume significantly and has led to sharp increases in the number of road accidents and casualties. It has also made it difficult for Libyans to perform religious rites, particularly Umra pilgrimage to Mecca outside the Haj season. The suspension of Libyan Arab Airline flights abroad and the drastic reduction of its domestic flights has forced the company to lay off hundreds of people, with serious consequences to the welfare of the employees and their families as well as to the long-term viability of the national airline.

13. In the agricultural sector, the difficulties and delays faced in the importation of grafted fruit-tree seedlings, beekeeping supplies and pharmaceuticals, fire-fighting equipment and chemicals has resulted in material damage and financial loss. The suspension of air travel has also hampered the work of animal health inspectors and caused delays in the delivery of veterinary supplies needed to protect farm animals and poultry from diseases. Agricultural aviation has come almost to a standstill because of the inability to obtain spare parts for aircraft used in spraying. Officials of the agricultural air company pointed out that they would be unable to respond adequately if, as they expect, a locust attack were to occur. That would have serious consequences for agricultural production in the Libyan Arab Jamahiriya and neighbouring countries.

14. According to the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tripoli, the air embargo has contributed to the increase in the hardship of refugees in the country and the cost of repatriation. At present, there are about 7,000 registered refugees in the Libyan Arab Jamahiriya, most of them Palestinians, followed by Somalis and Eritreans. The

repatriation of refugees through neighbouring countries is difficult because of cumbersome formalities and costly charter flights. Even refugees who wish to return to their countries without UNHCR assistance are greatly hampered because neighbouring countries either bar them from entry or because the visa process is often time-consuming.

Psychological effect of the sanctions

15. It was apparent that the sanctions had a psychological effect on the Libyan leadership. It feels isolated, targeted and unjustly subjected to a form of collective punishment even before the guilt or innocence of the two suspects had been established through an appropriate judicial process. The Libyan officials underscored that the stigma of a rogue State was hurting the people at large, and the damage to national pride has been grave. They noted that the psychological impact also constrained other countries from dealing with the Libyan Arab Jamahiriya in areas outside the purview of the sanctions. They also seemed perplexed that the initiatives and alternatives proposed by the Organization of African Unity and the League of Arab States, among others, to facilitate a resolution of the problem were not accepted by the Security Council.

The Libyan démarche

16. It was apparent to the mission that the Libyans consider the sanctions imposed in resolutions 748 (1992) and 883 (1993) as "illegal" and unjust and want them to be lifted immediately. The mission was quick to stress that its primary purpose was to listen and record the views of the Government on the implementation of the resolutions and on the economic and social conditions in the country. In the latter case, the mission pointed out the existing channels through which the Government of the Libyan Arab Jamahiriya could seek relief from the impact of the sanctions on the humanitarian situation in the country on a case-by-case basis and solicited its view on how to help mitigate the adverse impact of the sanctions, especially on vulnerable groups.

17. The Libyan officials reiterated to the mission the specific exemptions that they would like the Security Council to approve, particularly urgent requests of a humanitarian nature relating to the health and social sectors. Those include: permission to operate flights to carry medicines, vaccines and blood specimens; an increase in the number of countries where patients may be taken by Libyan medical evacuation aircraft for treatment; permission to purchase aircraft for use in medical evacuation inside and outside the country; permission to operate direct flights for humanitarian and religious purposes; and permission to acquire spare parts, emergency equipment and equipment and services directly linked with civilian air traffic control. The mission emphasized that many of those requests could not be addressed within the existing mechanism and would require a decision of the Security Council.

18. The Libyan officials with whom the mission met were appreciative of the Secretary-General's decision to send the mission. They said that it was important for the Secretary-General to be given an impartial, first-hand account of the views of officials and professionals both within and outside the Government on the economic and social conditions in the country, particularly

regarding the deteriorating situation in the health, social and agricultural sectors as a result of the sanctions.

19. In conclusion, I would like to express my appreciation to Mr. Zerihoun and Mr. Tubman for their contributions to the work of the mission and its report, as well as to the Resident Coordinator, Mr. Awni Al-Ani, and Mr. Abdelhamid Abdeljaber (Office of Communications and Public Information), interpreter and information officer, for their valuable support to the mission.

(Signed) Vladimir PETROVSKY

Attachment

[Original: English]

Programme of meetings of the fact-finding mission to the Libyan Arab Jamahiriya (13 to 18 December 1997)

Saturday, 13 December 1997

14.00 Arrival in Tripoli

17.00 Meeting at the Foreign Ministry: welcoming remarks by Mr. Solayman Eleghmary, Minister of Health and Social Affairs, and Mr. Abel-Ati Obeidi, Under-Secretary-General for European Affairs at the Ministry of Foreign Affairs

18.30 Meeting with:

- Mr. Abdul Hafeth Al-Zlatni, Minister of Planning, Economy and Trade
- Mr. Taher Al-Johami, Governor of the Central Bank
- Mr. Amar Eltaif, Director of the National Authority for Information and Documentation

Sunday, 14 December 1997

10.00 Meeting with Mr. Ali Ben Ramadan and Mr. Mas'oud Abu Sowa, Ministers of Agriculture and of Animal Wealth, respectively, and their senior staff

13.00 Official lunch with Mr. Omar Mustapha Al-Montaser, Minister of Foreign Affairs

15.00 Visit to the cemetery of Saidi Al-Saaeh, 30 km outside Tripoli

16.00 Meeting with the Under-Secretary of Transportation and his senior staff

Visit to Tripoli International Airport and meetings with pilots, engineers and other officials of Libyan Arab Airlines

Monday, 15 December 1997

10.00 Meeting with Mr. Solayman Eleghmary, Minister of Health, and his senior staff, including the heads of the Air Ambulance Unit, the children's hospital and a kidney treatment and transplant centre

15.00 Walking tour of some shops, pharmacies and supermarkets in Tripoli

Tuesday, 16 December 1997

10.00 Meeting with United Nations staff at the UNDP office

10.30 Meeting with the heads of UNDP, WHO and UNICEF

16.00 Visit to the Agriculture Air Company, 60 km outside Tripoli

17.00 Visit to the Azizia banana farm, 55 km outside Tripoli

Wednesday, 17 December 1997

10.00 Visit to the Tripoli Paediatric Hospital

11.00 Visit to the Al-Zahra Kidney Hospital, 45 km outside Tripoli

19.00 Reception by the United Nations Resident Coordinator for the mission and the diplomatic corps accredited to the Libyan Arab Jamahiriya

Thursday, 18 December 1997

08.00 Visit to the Al-Haira poultry and livestock farm, 72 km outside Tripoli

10.00 Meeting with Mr. Saad Mujbir, Chairman of the Foreign Relations Committee at the General People's Congress

12.00 Concluding meeting with Mr. Omar Mustapha Al-Montaser, Minister of Foreign Affairs

Friday, 19 December 1997

07.00 Departure by land to Djerba